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Signed: May 18, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

Attorneys for Movant
TRA PARTNERS, LLC.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re	) Bk. No. 11-43140-EDJ
)
	) R.S. No. EGS-47
LESLIE PATRICE BARNES MARKS,)
	) Chapter 13
)
Debtor.	) ORDER VACATING AND
	) ANNULLING AUTOMATIC STAY
	) 11 U.S.C. 362(d)(4)
)
	) Hearing-
	) Date : May 6, 2011
	) Time : 10:00 a.m.
	) Place: United States Bankruptcy Court
	) 1300 Clay Street
	) Courtroom 215
	) Oakland, CA
)
	) Honorable Edward D. Jellen

Movant's Motion for Relief from Automatic Stay came on for hearing on May 6, 2011 at 10:00 a.m., before the Honorable Edward D. Jellen. Kevin S. Eikenberry appeared on behalf of Movant, TRA PARTNERS, LLC. Leslie Marks appeared on her own behalf. There were no other appearances.

The Court, having considered the Court records and files, and with good cause appearing therefor, makes its Order as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic

1 Stay in the above-entitled bankruptcy proceeding is annulled as to Movant, its assignees
2 and/or successors in interest, and Movant, its assignees and/or successors in interest, may
3 hereafter proceed with all lawful remedies to obtain possession of the subject property,
4 generally described as 3099 Suter Street, Oakland, CA and legally described as:

5 PORTION OF LOTS 10,11 AND 12, IN BLOCK K, OF "OAKLAND HEIGHTS,
6 1512", FILED APRIL 12, 1912, IN MAP BOOK 26, PAGE 79, ALAMEDA COUNTY
RECORDS, DESCRIBED AS FOLLOWS:

7 BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERN LINE OF
8 SUTER, FORMELY MAINE STREET, WITH NORTHWESTERN LINE OF CURRAN AVE,
9 AS SAID STREET AND AVENUE ARE SHOWN ON THE MAP HEREIN REFERRED TO
10 RUNNING THENCE NORTHWESTERLY ALONG SAID LINE OF SUTER, FORMERLY
MAINE STREET, 60 FEET; THENCE AT RIGHT ANGLES SOUTHWESTERLY FORTY
11 FEET TO THE NORTHWESTERN LINE OF CURRAN AVENUE; THENCE
12 NORTHEASTERLY ALONG SAID LINE OF CURRAN AVENUE 100 FEET TO THE POINT
13 OF BEGINNING.

14 pursuant to California Code of Civil Procedure Section 1161(a), including continuing
15 with the prosecution of the unlawful detainer lawsuit pending in Alameda County
16 Superior Court, case number RG10545629, and with any other lawful action necessary to
17 obtain complete possession of the subject property without further Court order or
18 proceeding being necessary.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as the
20 automatic stay is annulled, there was no automatic stay in effect when Movant filed a
21 Motion for Judgement Notwithstanding the Verdict, on March 30, 2011, in Alameda
22 Superior Court, case number RG10545629.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the granting of
24 this motion is without prejudice to any claims pending in state court.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the 14-day stay
26 provided by Bankruptcy Rule 4001(a)(3) is hereby waived.

27 **END OF ORDER**
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COURT SERVICE LIST

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